

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Youa Vang Lee, trustee for the heirs  
and next-of-kin of Fong Lee,  
Decedent,

Civil File No. 07CV1205 PAM/JSM

Plaintiff,

vs.

Officer Jason Andersen, The City of  
Minneapolis, State Trooper Craig  
Benz, and the State of Minnesota,

**ORDER GRANTING PARTIAL  
DISMISSAL WITH PREJUDICE OF  
DEFENDANT STATE TROOPER CRAIG  
BENZ AND DEFENDANT STATE OF  
MINNESOTA, AND PARTIAL  
JUDGMENT**

Defendants.

This matter has come before this Court pursuant to a Stipulation of Dismissal with Prejudice of Defendant State Trooper Craig Benz and Defendant State of Minnesota concerning the above-entitled matter. Plaintiff Youa Vang Lee, trustee for the heirs and next of kin of Fong Lee, Decedent is represented by Richard W. Hechter, Thill Law Firm P.A., 514 Associated Bank Building, 5353 Wayzata Boulevard, St. Louis Park MN 55416. Defendants State Trooper Craig Benz and the State of Minnesota are represented by Marsha Eldot Devine, Assistant Attorney General, 445 Minnesota Street, Ste. 1100, St. Paul, MN 55101. Defendants Officer Jason Anderson and the City of Minneapolis ("City Defendants") are represented by James Moore, Assistant City Attorney, 333 South 7th Street, Ste. 300, Minneapolis, MN 55402. City Defendants did not take part in the Stipulation between the Plaintiff and State Defendants.

The Plaintiff's Complaint has been served and answered by all Defendants concerning this matter, and discovery has commenced. The Plaintiff and State Defendants have stipulated and agreed to a voluntary dismissal with prejudice said State Defendants from this lawsuit, and with no admission of liability on their part, which this Court finds reasonable in these circumstances. Now, therefore,

IT IS HEREBY ORDERED THAT:

16641. Any and all claims and causes of action concerning this matter against Defendant State Trooper Craig Benz in his individual and/or official capacity, and against Defendant State of Minnesota, are dismissed with prejudice and with no admission of liability on their part;

JUDGMENT1. This Order and Partial Judgment of this dismissal with prejudice of Defendant State Trooper Craig Benz and Defendant State of Minnesota shall immediately be entered and docketed without any further undue delay;

JUDGMENT2. Pursuant to the parties' Stipulation, no costs or disbursements, including attorneys' fees pursuant to 42 U.S.C. § 1988, Minn. Stat. § 549.21, or Rule 11 of the Fed. R. Civ. Pro., shall be sought, recovered, or paid by Plaintiff or by Defendant State Trooper Craig Benz in his individual and/or official capacity, and Defendant State of Minnesota with respect to their dismissal;

JUDGMENT3. This Order does not prevent the Plaintiff from pursuing his claims and causes of action in this case against Defendant Officer Jason Anderson and Defendant City of Minneapolis;

JUDGMENT4. The Court Administrator shall immediately enter and docket this Order and Judgment of Partial Dismissal with Prejudice without any further undue delay in favor of Defendant State Trooper Craig Benz and Defendant State of Minnesota.

JUDGMENT5. At the Court's convenience, a copy of this Order and the Partial Judgment of Dismissal with Prejudice in favor of Defendant State Trooper Craig Benz and Defendant State of Minnesota shall be sent to the parties, through their respective counsel.

Dated: April 25, 2008.

BY THE COURT

s/Paul A. Magnuson  
Paul A. Magnuson. Judge  
United States District Court